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Attorneys for Defendant LEXINGTON
INSURANCE COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**MENOMINEE INDIAN TRIBE OF
WISCONSIN, MENOMINEE INDIAN
GAMING AUTHORITY d/b/a
MENOMINEE CASINO RESORT, and
WOLF RIVER DEVELOPMENT
COMPANY, individually and on behalf of
all others similarly situated,**

Plaintiffs,

vs.

- (1) **LEXINGTON INSURANCE
COMPANY;**
(2) **UNDERWRITERS AT LLOYD'S –
SYNDICATES: ASC 1414, XLC 2003,
TAL 1183, MSP 318, ATL1861, KLN
510, AGR 3268;**
(3) **UNDERWRITERS AT LLOYD'S -
SYNDICATE: CNP 4444;**
(4) **UNDERWRITERS AT LLOYD'S -
ASPEN SPECIALTY INSURANCE
COMPANY;**

) CASE NO. 3:21-cv-00231-WHO

) **STIPULATED REQUEST FOR**
) **ORDER CHANGING TIME AND**
) **[PROPOSED] ORDER PURSUANT TO**
) **LOCAL RULES 6-2 AND 7-12**

) Date: June 16, 2021

) Time: 2:00 p.m.

) Judge: William H. Orrick

) Room: Courtroom 2

- (5) UNDERWRITERS AT LLOYD’S -
SYNDICATES: KLN 0510, ATL 1861,
ASC 1414, QBE 1886, MSP 0318, APL
1969, CHN 2015, XLC 2003;
- (6) UNDERWRITERS AT LLOYD’S –
SYNDICATE: BRT 2987;
- UNDERWRITERS AT LLOYD’S -
- (7) SYNDICATES: KLN 0510, TMK 1880,
BRT 2987, BRT 2988, CNP 4444, ATL
1861, NEON WORLDWIDE
PROPERTY CONSORTIUM, AUW
0609, TAL 1183, AUL 1274;
- (8) HOMELAND INSURANCE
COMPANY OF NEW YORK;
- (9) HALLMARK SPECIALTY
INSURANCE COMPANY;
ENDURANCE WORLDWIDE
- (10) INSURANCE LTD T/AS SOMPO
INTERNATIONAL;
- (11) ARCH SPECIALTY INSURANCE
COMPANY;
- (12) EVANSTON INSURANCE
COMPANY;
- (13) ALLIED WORLD NATIONAL
ASSURANCE COMPANY;
- (14) LIBERTY MUTUAL FIRE
INSURANCE COMPANY;
- (15) LANDMARK AMERICAN
INSURANCE COMPANY; and
- (16) SRU DOE INSURERS 1-20;

Defendants.

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(application for admission

pro hac vice to be filed)

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Attorneys for Defendants

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiffs Menominee Indian Tribe of Wisconsin, Menominee Indian Gaming Authority d/b/a/ Menominee Casino Resort, and Wolf River Development Company (collectively, “Plaintiffs”), and Defendants Lexington Insurance Company, et al.¹ (collectively, “Defendants”), by and through their respective counsel of record, hereby stipulate and request as follows:

WHEREAS, Plaintiffs filed their Complaint (the “Complaint”) on November 12, 2020 (Dkt. No. 1-2) in the Superior Court of the State of California in Alameda County, and served Defendants with the Summons and Complaint no earlier than December 11, 2020;

WHEREAS, Defendants removed this action to United States District Court for the Northern District of California pursuant to the Class Action Fairness Act of 2005 and 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453;

WHEREAS, the parties filed a stipulation pursuant to Civil Local Rule 6-1(a) that reset the time for Defendants to respond to the Complaint from January 19, 2021 to February 11, 2021 (Dkt. 8);

WHEREAS, Defendants filed a Motion to Dismiss the Complaint on February 11, 2021 (the “Motion”);

WHEREAS, opposition to the Motion is due within 14 days, by February 25, 2021, pursuant to Civil Local Rule 7-3(a), or an amended complaint is due within 21 days, by March 4, 2021, pursuant to Fed. R. Civ. P. 15(a)(1)(B);

WHEREAS, Plaintiffs intend to file an amended complaint;

WHEREAS, the parties have met and conferred regarding a modified pleading and

¹ Underwriters at Lloyd’s – Syndicates: ASC 1414, XLC 2003, TAL 1183, MSP 318, ATL 1861, KLN 510, AGR 3268; Underwriters at Lloyd’s – Syndicate: CNP 4444; Underwriters at Lloyd’s – Aspen Specialty Insurance Company; Underwriters At Lloyd’s – Syndicates: KLN 0510, ATL 1861, ASC 1414, QBE 1886, MSP 0318, APL 1969, CHN 2015, XLC 2003; Underwriters At Lloyd’s – Syndicate: BRT 2987; Underwriters At Lloyd’s –Syndicates: KLN 0510, TMK 1880, BRT 2987, BRT 2988, CNP 4444, ATL 1861, Neon Worldwide Property Consortium, AUW 0609, TAL 1183, AUL 1274; Homeland Insurance Company of New York; Hallmark Specialty Insurance Company; Endurance Worldwide Insurance Ltd t/as Somp International; Arch Specialty Insurance Company; Evanston Insurance Company; Allied World National Assurance Company; Liberty Mutual Fire Insurance Company; Landmark American Insurance Company; and SRU Doe Insurers 1-20.

1 briefing schedule that accounts for the schedule of both parties' counsel;

2 WHEREAS, the parties stipulated and agreed to request that the pleading and briefing
3 schedule shall be reset such that: Plaintiffs' amended complaint shall be due by March 12, 2021;
4 responsive pleadings or motions shall be due by April 9, 2021; oppositions to any responsive
5 motions shall be due May 7, 2021, and replies in support of any responsive motions shall be due
6 by May 21, 2021;

7 WHEREAS, the parties have agreed to set a hearing date of June 16, 2021 at 2:00 p.m., if
8 that date is agreeable with the Court; and

9 WHEREAS, the parties have not requested any prior extensions of time requiring a Court
10 order; and the parties agree that this stipulation and request does not waive any right of the
11 parties to agree to or request further extensions in this action.

12 **THEREFORE, IT IS HEREBY STIPULATED AND REQUESTED**, pursuant to
13 Civil Local 6-2 and 7-12, that: Plaintiffs' amended complaint shall be due by March 12, 2021;
14 responsive pleadings or motions shall be due by April 9, 2021; oppositions to any responsive
15 motions shall be due May 7, 2021; replies in support of any responsive motions shall be due by
16 May 21, 2021; and the hearing on Defendants' Motion to Dismiss shall be continued from April
17 7, 2021 at 2:00 p.m. to June 16, 2021 at 2:00 p.m.

18 SO STIPULATED this ___day of February, 2021

19 Respectfully submitted,

20 Dated: February 25, 2021

ANDRUS ANDERSON LLP

21 By: /s/ Jennie Lee Anderson
22 Jennie Lee Anderson

23 Attorneys for Plaintiffs and Proposed Class.
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Respectfully submitted,

Dated: February 25, 2021

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Richard J. Doren
Richard J. Doren

Attorneys for Attorneys for Defendant LEXINGTON
INSURANCE COMPANY.

Dated: February 25, 2021

MOUND COTTON WOLLAN & GREENGRASS LLP

By: /s/ Lawrence Hecimovich
Lawrence Hecimovich

Attorneys for Defendant ALLIED WORLD
NATIONAL ASSURANCE COMPANY.

Dated: February 25, 2021

DICKINSON WRIGHT PLLC

By: /s/ P. Bruce Converse
P. Bruce Converse

Attorneys for Defendant EVANSTON INSURANCE
COMPANY.

Dated: February 25, 2021

LEWIS BRISBOIS

By: /s/ Alan E. Serdlow
Alan E. Serdlow

Attorneys for Defendants Attorneys for Defendants
HALLMARK SPECIALTY INSURANCE COMPANY
and ASPEN SPECIALTY INSURANCE COMPANY,
SUED HEREIN AS "UNDERWRITERS AT
LLOYD'S – ASPEN SPECIALTY INSURANCE
COMPANY."

Dated: February 25, 2021

ZELLE LLP

By: /s/ Matthew Gonzalez
Matthew Gonzalez

By: /s/ Dan Millea
Dan Millea

By: /s/ Nick Dolejsi
Nick Dolejsi

Attorneys for Defendants UNDERWRITERS AT LLOYD'S – SYNDICATES: ASC 1414, XLC 2003, TAL 1183, MSP 318, ATL 1861, KLN 510, AGR 3268; UNDERWRITERS AT LLOYD'S – SYNDICATE: CNP 4444; UNDERWRITERS AT LLOYD'S – SYNDICATES: KLN 0510, ATL 1861, ASC 1414, QBE 1886, MSP 0318, APL 1969, CHN 2015, XLC 2003; UNDERWRITERS AT LLOYD'S – SYNDICATE: BRT 2987; UNDERWRITERS AT LLOYD'S – SYNDICATES: KLN 0510, TMK 1880, BRT 2987, BRT 2988, CNP 4444, ATL 1861, NEON WORLDWIDE PROPERTY CONSORTIUM, AUW 0609, TAL 1183, AUL 1274; ENDURANCE WORLDWIDE INSURANCE LTD T/AS SOMPO INTERNATIONAL; and HOMELAND INSURANCE COMPANY OF NEW YORK

Dated: February 25, 2021

ZELLE LLP

By: /s/ Shannon M. O'Malley
Shannon M. O'Malley

Attorneys for Defendant ARCH SPECIALTY INSURANCE COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY, and LANDMARK AMERICAN INSURANCE COMPANY.

[PROPOSED] ORDER

As stipulated and pursuant to Civil Local Rules 6-2 and 7-12,, Plaintiffs' amended complaint shall be due by March 12, 2021; responsive pleadings or motions shall be due by April 9, 2021; oppositions to any responsive motions shall be due May 7, 2021, and replies in support of any responsive motions shall be due by May 21, 2021. The hearing on Defendants' Motion to Dismiss shall be continued from April 7, 2021 at 2:00 p.m. to June 16, 2021 at 2:00 p.m.

IT IS SO ORDERED

DATED: February 26, 2021

A handwritten signature in black ink, appearing to read "W. H. Orrick", is written over a horizontal line.

HON. WILLIAM H. ORRICK
Judge of the United States District Court

1 **SIGNATURE ATTESTATION**

2
3 I, Jennie Lee Anderson, hereby attest that concurrence in the filing of this document has
4 been obtained from the above signatories.

5 Dated: February 25, 2021

ANDRUS ANDERSON LLP

6 By: /s/ Jennie Lee Anderson

7 Jennie Lee Anderson

8 Attorneys for Plaintiffs and Proposed Class.

9
10 **CERTIFICATE OF SERVICE**

11 The undersigned hereby attests that, on February 25, 2021, she served a true and accurate
12 copy of the foregoing on all parties through this Court's ECF filing system.
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14 Dated: February 25, 2021

ANDRUS ANDERSON LLP

15 By: /s/ Jennie Lee Anderson

16 Jennie Lee Anderson

17 Attorneys for Plaintiffs and Proposed Class.
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